

Henning, Douglas

From: Murphy, Bart
Sent: Wednesday, March 26, 2008 8:16 PM
To: 'Lance Raphael'
Cc: Burke, John; Henning, Douglas
Subject: Bruner v. AmericaUnited Bank

Lance,

We have supplied you with transaction info and net worth info and you indicated you would evaluate case and get back to me. We are waiting to hear from you regarding your demand.

I also mentioned to you that I believe the discovery you served is premature and violates FRCP 26(d) as we have not had a Rule 26(f) conference yet. While I do not disagree with you that it is not required that one announce a telephone conference is a Rule 26(f) conference, the conversations you and I have had do not come close to covering the issues Rule 26(f) requires be discussed. I would request again that you withdraw your discovery requests until we hold a Rule 26(f) conference so that we can avoid having to raise this issue with the Judge. Please advise me if you will agree to do so.

I look forward to receiving Plaintiff's demand.

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